

STANDARD APPLICATION  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014

RECEIVED

JAN - 3 2007

Case No. 5585  
Date Filed 12/18/06  
Hearing Date  
Receipt  
Fee \$ 50

Shaded Areas for Office Use Only

**Type of Application**

☐ Administrative Decision/Interpretation  
☐ Special Exception  
☐ Use Variance  
☒ Change/Extension of Non-Conforming Use  
☒ Minor Area Variance  
☐ Area Variance  
☐ Variance from Requirements of the Code  
☐ Zoning Map/Drafting Correction

**Nature of Request and Section(s) of Code**

CASE 5585 MAP 66 TYPE Variance

ELECTION DISTRICT 01 LOCATION 2944 Siwanoy Dr. Edgewood, MD 21040

BY Wayne & Doretha Mitchell

Appealed because a variance pursuant to Sec. 267-36B, Table V of the Harford County Code to permit an addition to encroach the required 35' rear yard setback (29' proposed) in the R2/COS district requires approval by the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

**Applicant/Owner (please print or type)**

Name Wayne F. Mitchell Sr Phone Number 410-612-1106

Address 2944 Siwanoy Dr Edgewood Maryland 21040-3435  
Street Number Street City State Zip Code

Co-Applicant Doretha Mitchell Phone Number 410-612-1106

Address 2944 Siwanoy Dr Edgewood Maryland 21040-3435  
Street Number Street City State Zip Code

Contract Purchaser Phone Number

Address  
Street Number Street City State Zip Code

Attorney/Representative Phone Number

Address  
Street Number Street City State Zip Code

## Land Description

Address and Location of Property 2944 Siwanoy Dr., Edgewood, Maryland 21040-3435

Subdivision Forest Oaks

Lot Number 131

Acreage/Lot Size 7274

Election District 01

Zoning R2/COS

Tax Map No. 66

Grid No. 3c

Parcel 200

Water/Sewer: Private ☐

Public ☒

List ALL structures on property and current use: \_\_\_\_\_

Estimated time required to present case: \_\_\_\_\_

If this Appeal is in reference to a Building Permit, state number \_\_\_\_\_

Would approval of this petition violate the covenants and restrictions for your property? \_\_\_\_\_

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

## Request

Request variance to encroach 6' <sup>into</sup> and 35' rear set back

## Justification

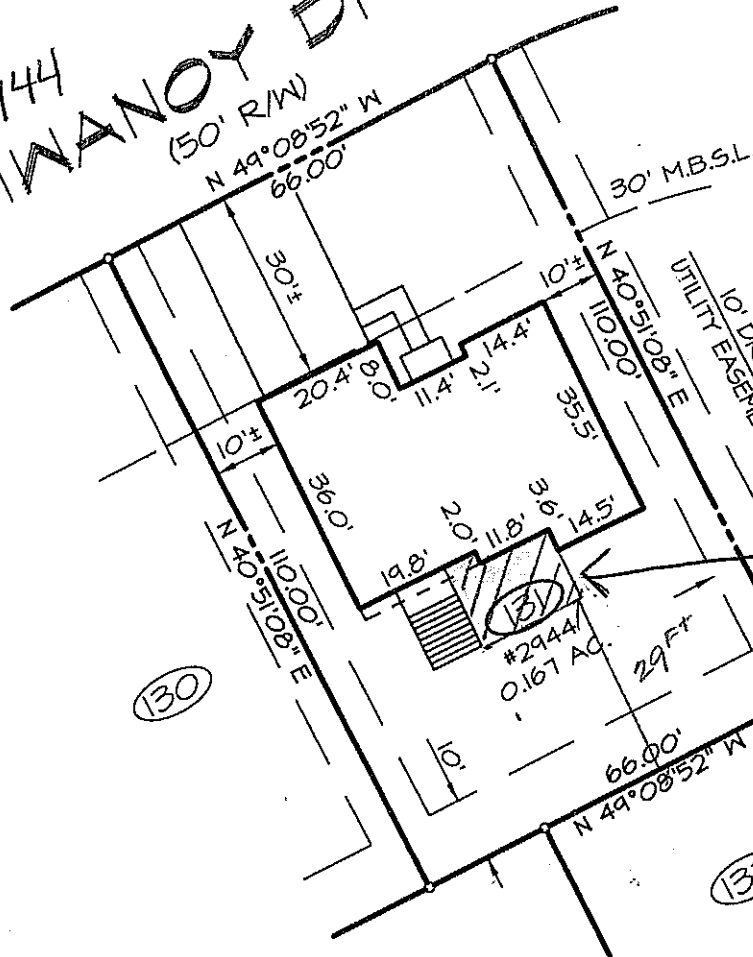
Builder placed front of house further back on property than required. The desired room addition is modest. The room will line up with the walk out basement.

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

FLOOD NOTE:  
THIS IS TO CERTIFY THAT THE LAND SHOWN HEREON IS  
NOT WITHIN THE FLOOD ZONES AS SHOWN ON THE FLOOD  
INSURANCE RATE MAPS AS PUBLISHED JANUARY 7, 2000.

2944  
SWANOV DRIVE

HCMC COORD. SYSTEM (NAD' 27)

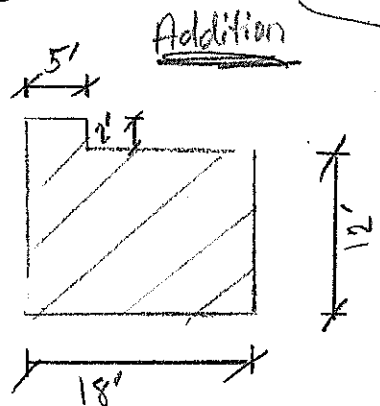


Adjoining structure

ACCURACY LIMITATIONS

LOT BOUNDARY - AS CALLED  
BUILDING DIMENSIONS - ± 0.2'  
BUILDING TO BOUNDARY LINE - ± 1'

- 1) THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR RE-FINANCING;
- 2) THIS PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS; AND
- 3) THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR RE-FINANCING.



**MORRIS & RITCHIE ASSOCIATES, INC.**

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS, & LANDSCAPE ARCHITECTS

3445-A Box Hill Corporate Center Drive  
Abingdon, Maryland 21009  
(410) 515-9000  
Fax: (410) 515-9002

LOCATION DRAWING

**LOT 131**

FINAL PLAT ONE - PHASE IV

**FOREST OAKS**

C.G.H. No. 106 FOLIO 70

FIRST ELECTION DISTRICT HARFORD COUNTY, MD

FOR: POWERS HOMES

SCALE: 1"=30'

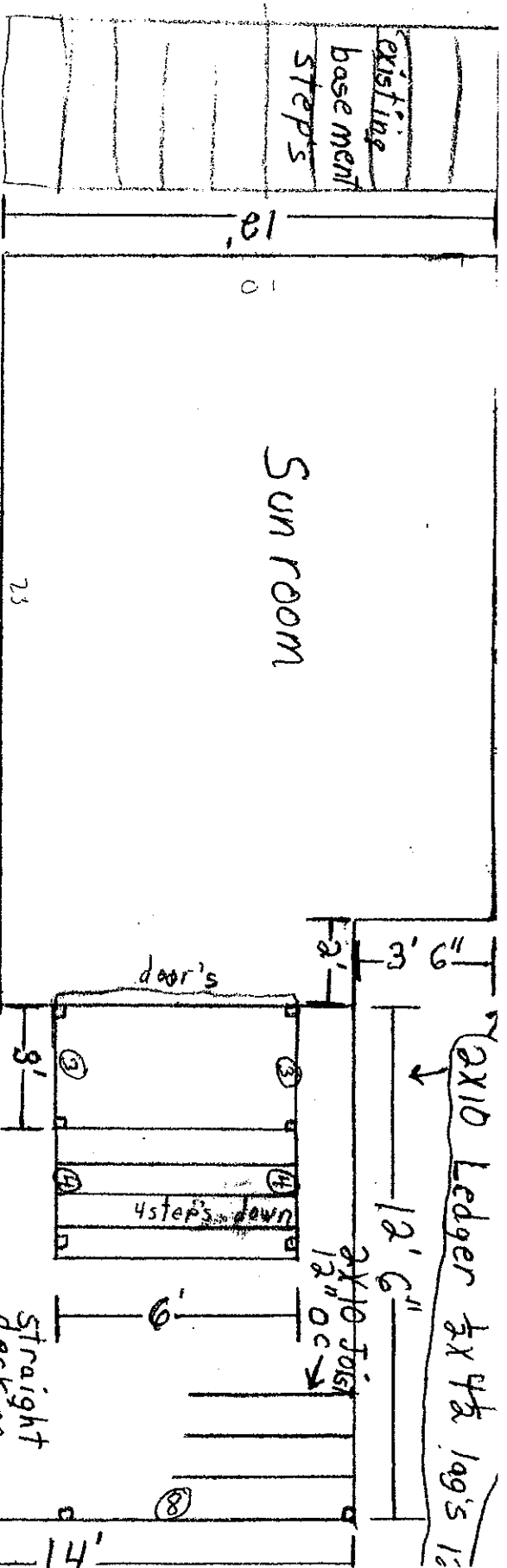
DATE: APRIL 8, 2003

DRAWN BY: PKB

DESIGN BY:

REVIEW BY: GTK

JOB NO. 12006



Drawn by Eli King phone # 610-932-5542

Wayne & Doretha Mitchell

2944 Siwanoy Dr.

Edge wood Md. 21040

Phone # 410-612-1106

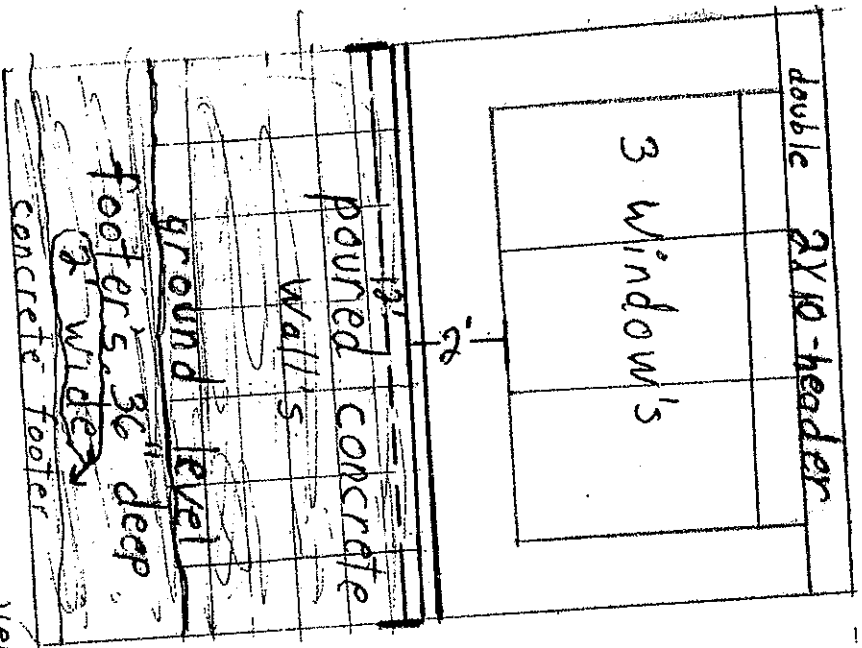
12x18 sunroom with 3 window's on side & 4 on front

6' slider door's on deck side. 12'6" x 14' deck with

white vinyl rail <sup>gray</sup> fiberon straight decking

side view

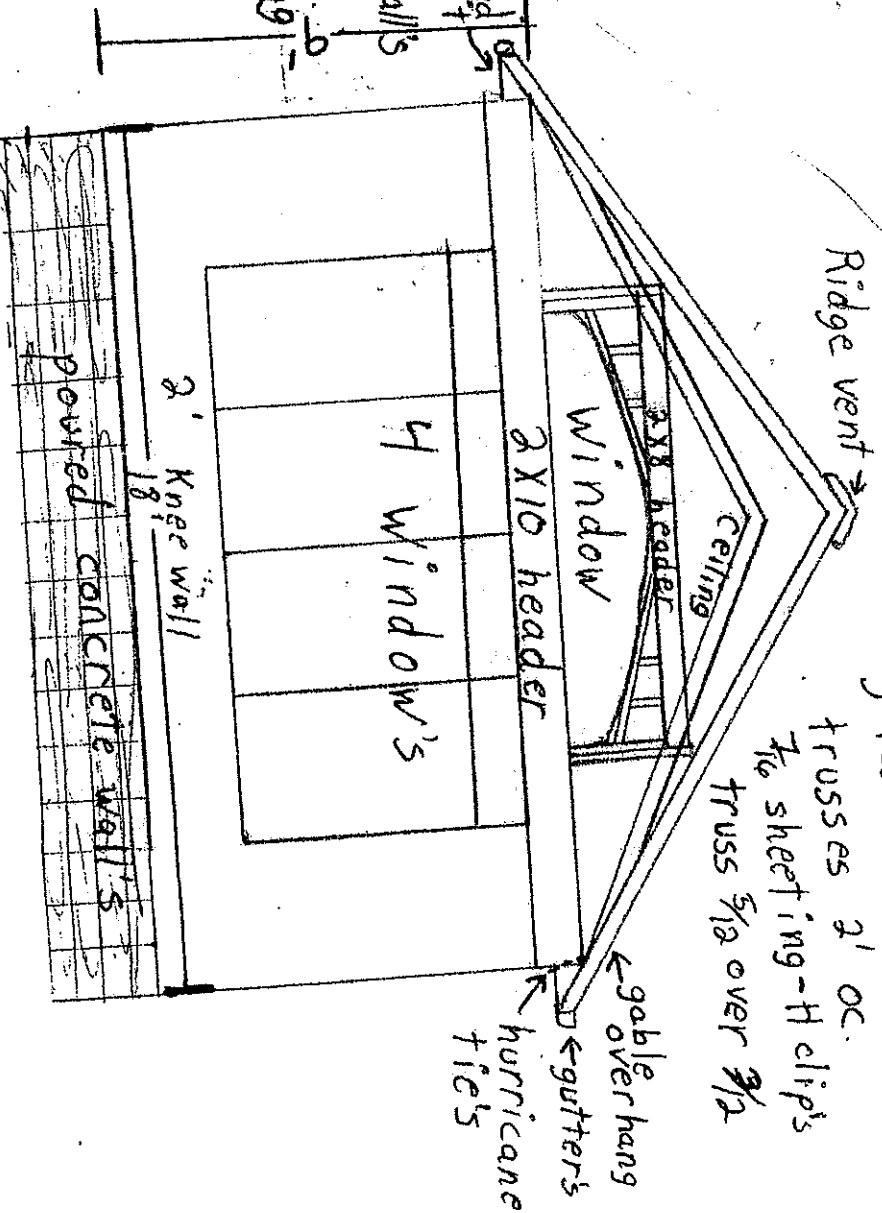
(Mitchell Job Sunroom)



2x4-16" oc  
← walls 9'-high

7/16" osb  
vinyl siding

Front view



3 tab shingles

trusses 2' oc.

7/16" sheeting-H clips

truss 5/8" over 3/4"

DAVID R. CRAIG  
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO  
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

February 1, 2007

### STAFF REPORT

### BOARD OF APPEALS CASE NO. 5585

APPLICANT/OWNER: Wayne F. Mitchell Sr.  
2944 Siwanoy Drive, Edgewood, Maryland 21040

Co-APPLICANT: Doretha Mitchell  
2944 Siwanoy Drive, Edgewood, Maryland 21040

REPRESENTATIVE: Applicants

LOCATION: 2944 Siwanoy Drive – Forest Oaks  
Tax Map: 66 / Grid: 3C / Parcel: 200 / Lot: 131  
Election District: First (1)

ACREAGE: 7274 square feet

ZONING: R2/Urban Residence District/Coventional with Open Space  
(R2/COS)

DATE FILED: December 18, 2007

HEARING DATE: February 28, 2007

### APPLICANT'S REQUEST and JUSTIFICATION:

#### Request:

“Request variance to encroach 6 feet into the 35 foot rear set back.”

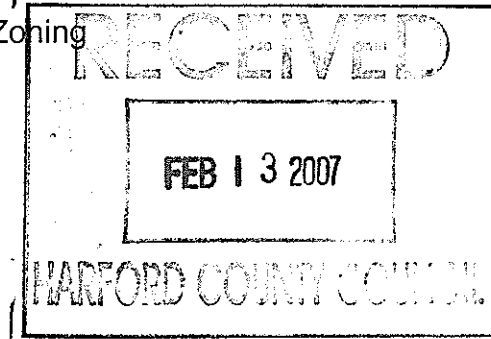
#### Justification:

~ Preserving Harford's past; promoting Harford's future ~

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • [www.harfordcountymd.gov](http://www.harfordcountymd.gov)

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.



## STAFF REPORT

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Wayne & Doretha Mitchell

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"Builder placed front of house further back on property than required. The desired room addition is modest. The room will line up with the walk out basement."

### **CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code, to permit an addition to encroach the required 35 foot rear yard setback (29 feet proposed) in the R2/Urban Residence District/Conventional with Open Space (R2/COS).

Enclosed with the report is a copy of Section 267-36B, Table V of the Harford County Code (Attachment 1).

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The Applicants property is located on the south side of Willoughby Beach Road, in the Forest Oaks subdivision. The lot fronts on the west side of Siwanoy Drive. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located in the southern end of the Development Envelope. The predominant land use designations are Low, Medium and High Intensities. The Natural Features Map reflects Chesapeake Bay Critical Area, Habitats of Local Significance, Sensitive Species Project Review Areas and Stream Systems. The subject property is designated as Low Intensity which is defined by the Master Plan as:

*Low Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are example of some of the nonresidential uses associated with this designation.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

#### **Land Use – Existing:**

The existing land uses in this area conform to the overall intent of the Master Plan. Residential uses include single family dwellings, garden apartments, townhouses and condominiums. Commercial uses are generally located along Edgewood Road (MD Route 755) and Pulaski Highway (MD Route 40). There are institutional uses that include the Edgewood Schools and churches. The topography ranges from gently rolling to level. A copy of the aerial photograph and a topography map are enclosed with the report (Attachments 6 and 7).

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Wayne & Doretha Mitchell

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The subject property is rectangular in shape and is approximately 7,274 square feet in size. Enclosed is a copy of the record plat (Attachment 8). The topography of the property is mostly level. Improvements consist of a 2-story brick and frame single family dwelling with an attached 2-car garage, a concrete driveway and concrete steps providing access to the basement. The property is nicely landscaped and all improvements appear to be well maintained. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 9 and 10).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning includes R2 and R3/Urban Residential Districts. Commercial zoning is generally located along Edgewood Road (MD Route 755) and Pulaski Highway (MD Route 40). Enclosed with the report is a copy of the zoning map (Attachment 11).

### SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code, to permit an addition to encroach the required 35 foot rear yard setback (29 feet proposed) in the R2/Urban Residence District/Conventional with Open Space (R2/COS).

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Applicants have requested a variance to encroach into the 35 foot rear yard setback in order to construct a room on the rear of their dwelling. (Attachments 12).

The courts have established specific guidelines that are to be used in order for the local jurisdictions to grant a variance. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the Applicant. The hardship must be unique to the subject property and said uniqueness creates a hardship felt only by the Applicants and not by other properties within the neighborhood.

The Department finds that the subject property is not unique. Most of the dwellings were located the same distance from the road to create a uniform streetscape. The topography and slope of the applicants lot is similar to the other lots along this road. Most of the dwellings along Siwanoy Drive could not construct an addition this large.



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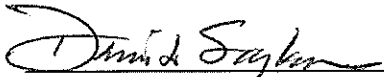
Wayne & Doretha Mitchell

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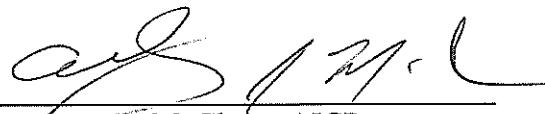
There is a sunroom located at 2954 Siwanoy Drive. A permit was issued for a sunroom 9 feet by 15 feet with an 8 foot by 9 foot open deck. The room meets the required 35 foot rear yard setback. A copy of the permit is enclosed with the report (Attachments 13).

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be denied.

  
Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

DJS/ASM/jf

  
Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning